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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

)	No. C 06-5288 MHP
SIERRA CLUB,)	
)	STIPULATION TO ENTRY OF
Plaintiff,)	CONSENT DECREE
)	
v.)	
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Defendant.)	
)	

Plaintiff Sierra Club and Defendant United States Environmental Protection Agency ("EPA") hereby stipulate to entry of the proposed consent decree that was previously lodged with the Court on March 9, 2007 (Docket No. 13, Attachment 1). Plaintiff filed this action against EPA pursuant to the citizen suit provision of the Clean Air Act, 42 U.S.C. § 7604(a). Plaintiff's complaint alleges that EPA failed to perform non-discretionary duties to review, and if appropriate, revise the New Source Performance Standards ("NSPS") for portland cement plants as required by CAA Section 111(b), 42 U.S.C. § 7411(b)(1)(B). The proposed Consent Decree establishes deadlines for EPA to propose and finalize revisions to the NSPS standard of performance or a determination not to revise the NSPS. The deadlines for EPA's proposed and

1 final determinations are May 31, 2008, and May 31, 2009, respectively. The decree also
 2 specifies requirements for submission of EPA's determinations to the Federal Register for
 3 publication. Other provisions in the decree address modification of the decree, continuing
 4 jurisdiction, dispute resolution, the deadline for filing attorneys fees and costs, and recipients of
 5 notification. The parties negotiated this decree in good faith and agree that its terms are fair,
 6 adequate, reasonable, and appropriate under the facts.

7 EPA has completed the public notice and comment process required by section 113(g) of
 8 the Clean Air Act, 42 U.S.C. § 7413(g). EPA has decided not to withhold its consent to the
 9 Consent Decree as authorized by section 113(g) of the Act. The Department of Justice concurs
 10 in EPA's conclusion that consent to the Consent Decree should not be withheld.

11 CONCLUSION

12 For these reasons, the Court should sign the consent decree (Docket No. 13, Attachment
 13 1) and enter the decree as an order of the Court.

14 Respectfully submitted,

15 COUNSEL FOR PLAINTIFF SIERRA CLUB:

16 Dated: May 4, 2007

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1 COUNSEL FOR DEFENDANT EPA:

2 Dated: May 4, 2007

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5 s/ Pamela S. Tonglao
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10 SO ORDERED.

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12 Dated: 5/8/2007

